

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 8/1/2021

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHIVA STEIN, :

Plaintiff, :

-against- :

KANSAS CITY SOUTHERN, LYDIA I. BEEBE, LU :
M. CORDOVA, ROBERT J. DRUTEN, ANTONIO O. :
GARZA, JR., DAVID GARZA-SANTOS, JANET H. :
KENNEDY, MITCHELL J. KREBS, HENRY J. :
MAIER, THOMAS A. MCDONNELL, PATRICK J. :
OTTENSMEYER, :

Defendants. :

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21-CV-5551 (VEC)

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MICHAEL JAMES, :

Plaintiff, :

-against- :

KANSAS CITY SOUTHERN, ROBERT J. DRUTEN, :
PATRICK J. OTTENSMEYER, LYDIA I. BEEBE, :
LU M. CORDOVA, ANTONIO O. GARZA, JR., :
DAVID GARZA-SANTOS, JANET H. KENNEDY, :
MITCHELL J. KREBS, HENRY J. MAIER, :
THOMAS A. MCDONNELL, :

Defendants. :

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21-CV-5726 (VEC)

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ALEX CICCOTELLI,		:
	Plaintiff,	:
		:
-against-		:
		:
		:
KANSAS CITY SOUTHERN, LYDIA I. BEEBE, LU		:
M. CORDOVA, ROBERT J. DRUTEN, ANTONIO O.		:
GARZA, JR., DAVID GARZA-SANTOS, JANET H.		:
KENNEDY, MITCHELL J. KREBS, HENRY J.		:
MAIER, THOMAS A. MCDONNELL, PATRICK J.		:
OTTENSMeyer, CANADIAN NATIONAL		:
RAILWAY COMPANY, BROOKLYN MERGER		:
SUB, INC.		:
	Defendants.	:
		:
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21-CV-5800 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on June 24, 2021, Plaintiff Shiva Stein filed a Complaint against Kansas City Southern and its Board of Directors, 21-CV-5551, Dkt. 1;

WHEREAS on July 1, 2021, Plaintiff Michael James filed a Complaint against the same Defendants, 21-CV-5726, Dkt. 1;

WHEREAS on July 2, 2021, 21-CV-5726 was assigned to the undersigned as a related matter to 21-CV-5551;

WHEREAS on July 2, 2021, the Court ordered the parties in 21-CV-5551 and 21-CV-5726 to show cause why these two cases should not be consolidated under Federal Rule of Civil Procedure 42, 21-CV-5551, Dkt. 4; 21-CV-5726, Dkt. 4;

WHEREAS on July 6, 2021, Plaintiff Alex Ciccotelli filed a Complaint against Kansas City Southern, its Board of Directors, Canadian National Railway Company, and Brooklyn Merger Sub, Inc., 20-CV-5800, Dkt. 1;

WHEREAS on July 6, 2021, Plaintiff Ciccotelli filed a related case statement, 21-CV-5800, Dkt. 3;

WHEREAS on July 8, 2021, 21-CV-5800 was assigned to the undersigned as a related matter to 21-CV-5551;

WHEREAS on July 9, 2021, the Court ordered that the parties must show cause why these three cases, 21-CV-5551, 21-CV-5726, and 21-CV-5800, should not be consolidated under Federal Rule of Civil Procedure 42, *see* 21-CV-5551, Dkt. 5; 21-CV-5726, Dkt. 5; 21-CV-5800, Dkt. 4; and

WHEREAS Plaintiffs in all three cases do not oppose consolidation pursuant to Federal Rule of Civil Procedure 42, *see* 21-CV-5551, Dkt. 7; 21-CV-5726, Dkt. 18; 21-CV-5800, Dkt. 6;

IT IS HEREBY ORDERED that these three matters are consolidated pursuant to Federal Rule of Civil Procedure 42. The Court reminds the parties that an initial pretrial conference is scheduled for August 20, 2021 at 11:30 A.M. Pre-conference submissions are due no later than Thursday, August 12, 2021. For the conference dial in information and for a description of the requirements of the pre-conference submissions, the parties should consult the Court's order in 21-CV-5551 at docket entry 3.

The Clerk of Court is respectfully directed to consolidate 21-CV-5551, 21-CV-5726, and 21-CV-5800, and to designate 21-CV-5551 as the lead case.

SO ORDERED.

**Date: August 1, 2021
New York, NY**



**VALERIE CAPRONI
United States District Judge**